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**Administrative Rules & Procedures**

Date: December 10, 2021

**Removing Regulations Pertaining to Familial Status**

**Summary:**

House Bill 2583 prohibits establishment and enforcement of occupancy limits based on familial relationships on residential dwelling units by public bodies. The City's Land Development Code (LDC) currently contains a definition of "family" that uses familial status to determine the maximum number of occupants that are permitted within a single dwelling unit. Effective January 1, 2022 the City will no longer be able to use the current LDC definition of "family" to determine the occupancy limits within a single dwelling unit. The law does allow a jurisdiction to set maximum occupancy standards for dwelling units, as long as those standards are not based on familial relationships.

**Discussion:**

House Bill 2583 does not prohibit a jurisdiction from creating occupancy limitations within a dwelling based on other factors not related to familial status. Furthermore, State building codes require structures to be built to incorporate appropriate fire and life safety elements to ensure buildings are constructed safely for their intended uses. Building code requirements differ between the uses of a single dwelling unit and group residential (boarding or rooming) houses. While a single dwelling unit and a group residential use can look very similar, the structure is used in a different manner prompting additional fire and life safety and accessibility requirements.

On December 6, 2021, the Corvallis City Council adopted Ordinance 2021-23 which directs the City Manager to adopt administrative rules, procedures, and forms to comply with HB 2583. The law now prohibits the City from using familial or non-familial status to limit or regulate the number of occupants within a single dwelling unit. The City historically used the Corvallis Land Development Code definition of "family", which limited occupancy to either a family related through blood or marriage, or up to five (5) unrelated adults. Additionally, over the past decade the City has processed several building permits that were proposed and inspected as single dwelling units, but the intended use was more similar to a boarding or rooming house, which is classified as a Group Residential use. The characteristics of these units include:

- Five (5) bedrooms, each with their own full bathroom.
- Kitchenettes or wet bars may be included within several of the bedrooms.
- Individual keyed door locks limiting access and communication to the other rooms within the dwelling.
- Multiple leases for one unit, focused on leasing an individual bedroom and sharing a common area.
- Non owner occupied, all spaces within the unit are intended to be leased out.

A majority of these units were proposed and constructed as single dwelling units under the Oregon Residential Specialty Code (ORSC). Permits issued under the ORSC do not require the additional fire and accessibility

requirements required for buildings that are constructed under the Oregon Structural Specialty Code (OSSC). A building that is intended to be used as a Group Residential use should be permitted under the OSSC as either a R2 or R3 occupancy.

The current definitions in the City's LDC that regulate based upon familial status are no longer allowed, therefore, new definitions are required to clarify residential uses being proposed. Additionally, further defining these uses will ensure the appropriate building code requirements are being incorporated into the buildings to adequately address fire and life safety requirements.

**Decision:**

Effective January 1, 2022, the following definitions will be utilized to classify a Dwelling Unit and Group Residential (boarding or rooming house) uses. Additionally, these definitions will be used to determine if the use is allowed within specific zoning districts and are reviewed to meet the appropriate building code requirements.

**Dwelling Unit** – A single unit providing complete independent living facilities for one common household, including provisions for living, sleeping, eating, cooking (limited to one kitchen), and sanitation. A dwelling unit shall contain no more than five (5) rooms used for sleeping purposes in the unit that are offered for rent.

**Group Residential** – A single unit with six (6) or more rooms used for sleeping purposes that is offered for rent, but with rooms, individually or collectively, that do not constitute separate dwelling units. Typical uses include occupancy of boarding houses, cohousing, rooming houses, congregate living, fraternity and sorority houses, and cooperatives. A Group Residential use is limited to one unit per legal lot or parcel. Group Residential uses exclude Group Care.

**Minimum Standards**

	<b>Dwelling Unit</b>	<b>Group Residential</b>
ZONING	Permitted in all Residential Zones	RS 3.5 & RS-5 - Not permitted RS-6 & RS-9 – 12 or fewer persons RS-12 & RS-20 - Permitted
BUILDING CODES	Oregon Residential Specialty Code (ORSC)	Oregon Structural Specialty Code (OSSC) <ul style="list-style-type: none"> <li>• Fire sprinklers required</li> <li>• Accessibility requirements</li> <li>• Energy Code Requirements</li> </ul> Residential Occupancy Group <ul style="list-style-type: none"> <li>• R3 – 16 or fewer occupants</li> <li>• R2 – More than 16 occupants</li> </ul>
DEFINING CHARACTERISTICS	<ul style="list-style-type: none"> <li>• No more than five (5) rooms available for rent</li> <li>• The maximum occupancy within a unit is 200 sq. feet of gross floor area (contained within the dwelling unit) per occupant</li> <li>• No more than two (2) occupants per bedroom (children less than 3 years old are not counted as occupants)</li> <li>• A maximum one (1) kitchen contained within the dwelling unit</li> </ul>	<ul style="list-style-type: none"> <li>• Six (6) or more rooms offered for rent</li> <li>• More than one (1) kitchen may be permitted within a group residential unit.</li> </ul>

**Nonconforming Use/Structures:**

A change of use permit would be required if a Dwelling Unit is being modified or is intended to be used as a Group Residential use. Additionally, the zoning must be verified to ensure the use is permitted in the zone.